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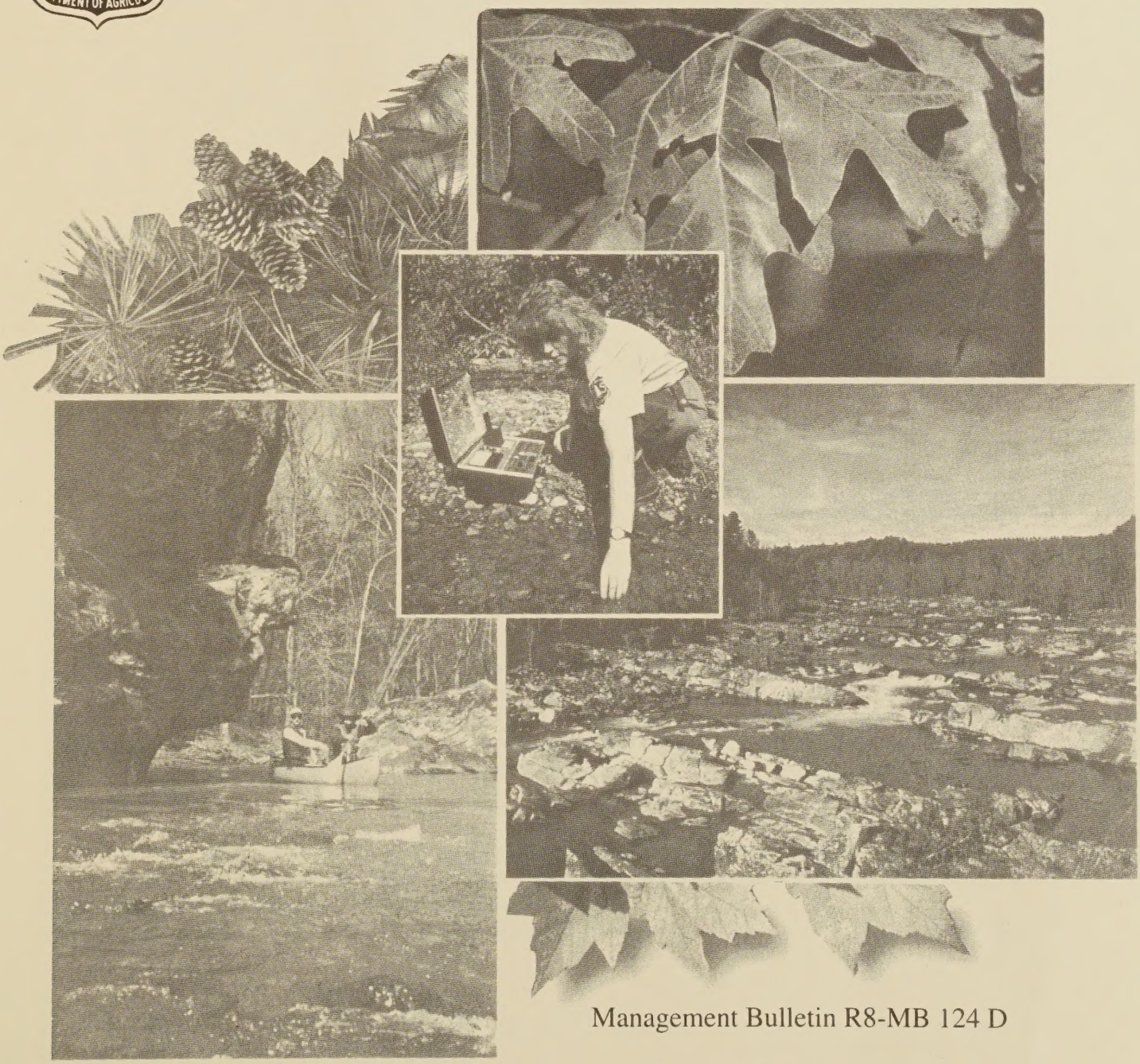
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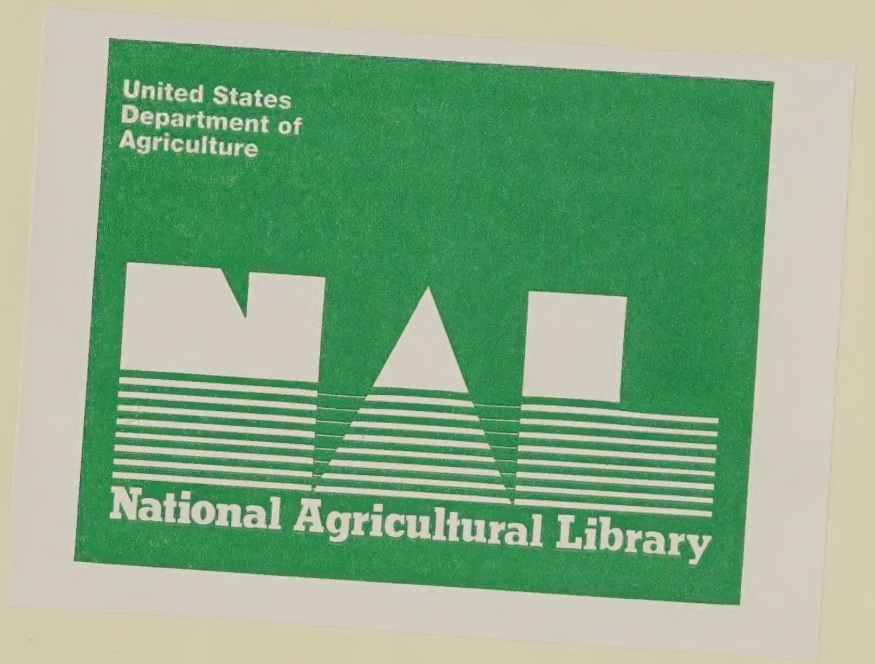
Forest Service
Southern Region

September 2005

Record of Decision
Final Environmental Impact Statement
Revised Land and Resource Management Plan
Ouachita National Forest
Arkansas and Oklahoma



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Record of Decision
Final Environmental Impact Statement
for the
Ouachita National Forest
Revised Land and Resource Management Plan

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Introduction

This Record of Decision (ROD) documents my decision and describes my rationale for selecting an alternative for the *Revised Land and Resource Management Plan* (Forest Plan) for the Ouachita National Forest. The Ouachita National Forest includes approximately 1.8 million acres of National Forest System land. The Forest is divided into 12 ranger districts clustered into 5 administrative units located in 15 counties in Arkansas and Oklahoma.

The first Forest Plan was approved in 1986; it was replaced by a significantly amended Forest Plan in 1990. The National Forest Management Act of 1976 (NFMA) specifies that Forest Plans are to be revised every 10-15 years. This decision satisfies the requirements of NFMA and was guided, in part, by the 2004 revision of the USDA Forest Service Strategic Plan and the Government Performance and Results Act of 1993.

Decision

Based upon my review of all alternatives, I have decided to implement Alternative E from the *Final Environmental Impact Statement for the Revised Forest Plan* (FEIS) for the Ouachita National Forest (Arkansas and Oklahoma). The Revised Forest Plan sets forth goals (desired conditions); a land allocation strategy (management area designations); the suitability of lands and waters for various uses; objectives for the next 5 to 15 years; project design standards for the Forest; and a monitoring strategy. The FEIS and Revised Forest Plan were developed according to the NFMA implementing regulations (36 CFR 219) in effect before November 9, 2000, and the National Environmental Policy Act (NEPA) implementing regulations (40 CFR 1500-1508). Alternative E incorporates all practical means to avoid or minimize harm to the environment.

The Revised Forest Plan provides direction to assure coordination of multiple-uses (outdoor recreation, timber, watershed, range, wildlife and fish, and wilderness) and sustained yield of products and services [16 USC 1604(e)]. It fulfills legislative requirements and addresses local, regional, and national issues. The FEIS discloses the environmental consequences of alternatives and how they respond to the issues. I have studied and considered the FEIS in order to make the following decisions:

1. Approval of **management direction and associated long-range goals and objectives** for the next 10-15 years. This direction provides for multiple use and sustained yield of the products and services people use from the Forest, including outdoor recreation, range, timber, water, wildlife, fish, and wilderness. The Revised Forest Plan establishes this direction in Parts 1 and 2. [36 CFR 219.11(b)]

2. Approval of **management areas**, which reflect differences in biological, physical and social characteristics, multiple-use management prescriptions, and associated standards. Ouachita National Forest lands and waters are allocated to 17 Management Areas, each of which has a unique set of desired conditions described in Part 2 of the Revised Forest Plan. Management Area-specific standards are contained in Part 3 of the Revised Forest Plan. [36 CFR 219.11(c)]

3. Approval of **Forest-wide standards**, which, together with management area standards, set the sideboards for project planning and implementation designed to achieve the goals, objectives and desired conditions of the Plan. These standards are contained in Part 3 of the Revised Forest Plan. [36 CFR 219.11(c) and 36 CFR 219.13 to 219.27]

4. Identification of **lands suitable for resource uses.**

a. **Lands not suited for timber production** are described in Part 2 of the Revised Forest Plan. Approximately 1,016,258 acres or 57 percent of the National Forest are designated suitable for timber production. The maximum harvest level (or Allowable Sale Quantity) is found in Part 2 of the Revised Forest Plan and is set at 27 million cubic feet annually, on average, for the next 10 years. [36 CFR 219.14), 36 CFR 219.16, and 16 USC 1611]

b. Classification of areas where **off-highway vehicle use is permitted**. I have determined that public use of off-highway vehicles (OHVs) is unsuitable except on designated roads and trails, and have established an objective to designate a system of routes suitable for public access by motor vehicle no later than October 2009. [36 CFR 219.21(g)]

5. Recommendation of lands for **special designations,** found in Part 2 of the Revised Forest Plan.

a. Three areas are being recommended as additions to existing wilderness areas (Flatside Wilderness, Poteau Mountain Wilderness and Upper Kiamichi Wilderness). [36 CFR 219.17] This recommendation is a preliminary administrative recommendation that will receive further review and possible modification by the Chief of the Forest Service, the Secretary of Agriculture, and the President of the United States. Congress has reserved the authority to make final decisions on wilderness designations. Until Congress makes a decision concerning these areas, they will be managed within Management Area 1c.

b. I am reaffirming a recommendation from a 2002 Amendment to the 1990 Amended LRMP that 16.5 miles of the Glover River in Oklahoma be designated a Wild and Scenic River and classified as scenic. This recommendation is a preliminary administrative recommendation that will receive further review and possible modification by the Chief of the Forest Service, the Secretary of Agriculture, and the President of the United States. The Congress has reserved the authority to make final decisions on wild and scenic river designations on federal lands. Until Congress makes a decision concerning the Glover River, it will be managed within Management Area 20.

6. Approval of **monitoring and evaluation** requirements that are needed to ensure that the direction is carried out and to determine how well outputs and effects were predicted. These requirements are contained in Parts 1 and 2 of the Revised Forest Plan. [36 CFR 219.11(d)]

Other decisions contained in the Revised Forest Plan

1. I am identifying **lands administratively available for oil and gas leasing, and I consent to lease** (acquired lands) or have no objection to leasing (Public Domain lands) these lands for oil and gas development through the Bureau of Land Management (36 CFR 228.102(d, e)). These leasing decisions are found in Part 2 of the Revised Forest Plan. The availability decision includes 889,740 acres with standard stipulations, 755,979 acres with controlled surface use, and 66,875 acres with no surface occupancy stipulations. The consent/no objection decision is valid until the Forest Service provides the Bureau of Land Management written notification that consent is withdrawn or amended.

2. I am establishing the **R. R. Reynolds Research Natural Area** on the Crossett Experimental Forest. [36 CFR 219.25] The R.R. Reynolds Research Natural Area (RNA) is comprised of 80 acres of land in Ashley County, AR (administratively attached to the Jessieville Ranger District of the Ouachita National Forest), as described in the section of the Establishment Record entitled "Location." (The Establishment Record for this RNA is available from the Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71902.)

Rationale for the Decision

My decision to select Alternative E for implementation is based on a careful and reasoned comparison of the environmental consequences of and responses to significant issues for each alternative. I selected Alternative E because it represents the best mix and balance of management strategies that: 1) are responsive to the issues, concerns, and opportunities expressed by the public and other agencies; 2) establish ambitious but achievable objectives for ecosystem management, the transportation system, recreation opportunities, and relationships with local communities (including timber and scenery management, increased attention on the urban-wildland interface, and protection of public source waters); and 3) recognize the need to make relatively modest additions to existing wilderness areas while sustaining well distributed and abundant opportunities for semi-primitive and roaded-natural recreation experiences.

Compared to the other alternatives, Alternative E will result in an intermediate level of forest management intensity, with somewhat increased prescribed burning and thinning compared to Alternatives A, B, and D, but considerably less than Alternative C. Alternative E offers the most attractive mix of improved ecosystem health, including habitat improvements for species of viability concern and reduction in forest health threats; diverse and high quality recreation opportunities; improved scenery management; and careful utilization of timber and mineral resources.

More specifically, I selected Alternative E over the other alternatives because it should:

- increase the acres in Fire Regime Condition Class 1 or 2 (the most desirable classes) more than any alternative except C
- reduce the acres in the high risk category for southern pine beetle outbreaks more than any other alternative
- reduce the acres at high risk for oak decline and other hardwood “health” problems more than any other alternative except C

- improve the prospects for long-term viability of species more than any other alternative except C
- maintain or increase populations of most management indicator species
- establish the South Fourche Botanical Area and protect rare plants and rare plant communities within that area
- have the highest net revenue from timber sales during the planning period

I did not select Alternative C because I was concerned that adequate resources would not be available to achieve an objective of 250,000 acres of prescribed burning per year (on average) and that the challenge of limiting the adverse effects of smoke from such a high level of prescribed burning would be too great. Furthermore, Alternative C does not include the additional conservation measures for the rare plants and communities in the South Fourche area that Alternative E provides. Alternatives B and D are appealing for their simplicity, particularly in that they represent relatively little departure from current management direction yet streamline and clarify much of that direction. However, in my assessment, they do not do enough to address the ecosystem health issues. The No Action Alternative (A) fails to adequately address the ecosystem health, unmanaged recreation, non-native invasive species, and wildland-urban interface challenges that have emerged in the past 10 years and would leave the Forest with a Land and Resource Management Plan containing many unnecessary standards.

Response to the Issues

The four significant issue categories addressed through plan revision were: (1) Ecosystem Health and Sustainability; (2) Land Use Designations; (3) Public Access and Recreation Activities and (4) Relationships to Communities.

Issue Category: Ecosystem Health and Sustainability

The Selected Alternative addresses this issue by increasing the acres in Fire Regime Condition Class I and 2; increasing the number of species with viability scores of "good" or "very good"; decreasing the acres in the southern pine beetle "high" risk category; and decreasing the acres of hardwood forest in high risk categories compared to Alternative A (1990 Amended Forest Plan, the No Action Alternative). Although Alternative C has more favorable values for three of these four indicators (southern pine beetle risk is the exception), the Selected Alternative is more in line with workforce capacity and realistic expectations for budgets to implement the Forest Plan. Finally, the higher levels of prescribed burning and thinning in Alternative C might lead to more conflicts with the public than the more modest increases projected under Alternative E.

Alternative E would increase habitat capability for all terrestrial Management Indicator Species (MIS) in comparison to Alternative A (1990 Amended Forest Plan, the No Action Alternative) after 50 years. Although habitat capabilities for some MIS would be somewhat higher or lower than Alternative E in other alternatives after 50 years, Alternative E provides adequate populations of all such species without leading to overpopulation of species such as white-tailed deer (as Alternative C might). Alternative C, while producing high levels of some game species, would produce less habitat for Pileated woodpeckers than the projected habitat from the 1990 Amended Plan (Alternative A) and all other alternatives. Alternative E is the only alternative that proposes to create the South Fourche Botanical Area within Management Area 2,

Special Interest Areas, which would provide protection for several rare plants and rare plant communities.

Alternative E projects accomplishing more acres per year of treatments for non-native, invasive species and oak forest and woodland restoration than Alternatives A and B but at levels comparable to C and D.

Issue Category: Land Use Designations

Nine inventoried roadless areas totaling approximately 45,160 acres were identified and evaluated for wilderness potential. The Selected Alternative recommends that three of these roadless areas be added to existing wilderness areas (as do Alternatives C and D but not A or B). Three more are allocated to Management Area 17 (Semi-Primitive Areas), where road construction and timber harvesting in these areas will be limited to actions necessary to maintain or restore forest health. One small inventoried roadless area will remain in Management Area 14, Ouachita Mountains—Habitat Diversity Emphasis. The remaining two inventoried roadless areas will be managed as part of Management Area 22— Renewal of the Shortleaf Pine-Bluestem Grass Ecosystem and Red-cockaded Woodpecker Habitat. The wilderness demand analysis indicated no need for additional wilderness. Alternative E conserves the semi-primitive nature of the three areas that would be recommended for wilderness in Alternative D but does not preclude treating these areas to maintain or restore forest/ecosystem health. Alternatives A and B also conserve the semi-primitive nature of these areas but do not allow forest/ecosystem health treatments, as Alternatives C and E would.

Lands suitable for timber production do not differ significantly among alternatives. Alternative E significantly improves upon the 1990 Amended Forest Plan (Alternative A), however, by allowing some management flexibility within Management Area 9 (Water and Riparian Communities) to treat non-native, invasive species and to thin for forest/ecosystem health.

Issue Category: Public Access and Recreational Activities

The Selected Alternative addresses Public Access and Recreational Activities with the following objective:

- Designate and sign a system of roads and trails suitable for public access by motor vehicles including, where appropriate off-highway vehicles, no later than October 2009; at the same time, initiate the process to limit cross country travel by motorized vehicles to the system of designated routes except for emergency purposes and specific authorized uses.

The same direction would have been applied in Alternatives B and C, while D would have left cross-country use of OHVs for game retrieval a suitable use. The Selected Alternative provides updated direction (compared to the 1990 Amended Forest Plan) for managing road density to limit impacts to wildlife, soil, and water resources. Alternatives B, C, and D provide the same direction.

Issue Category: Relationship of the National Forest to Communities

Alternative E improves upon the 1990 Amended Forest Plan (Alternative A) by adding the following priorities:

- Reduce fuel loads of National Forest System lands that have the greatest potential for catastrophic wildland fire.
- Lands in and around "Firewise Communities" and other "Communities at Risk" are the highest priority for mechanical treatment including commercial and non-commercial thinning and/or midstory removal followed by prescribed fire (usually done within two years of mechanical work).
- Contribute to the economic base of local communities by providing a sustained yield of high-quality wood products at a level consistent with sound economic principles, local market demands, and desired ecological conditions.
- Develop local economy marketing opportunities to improve utilization of hardwood products.

Alternative E also improves upon the 1990 Amended Forest Plan (Alternative A) by adding the following objectives:

- Complete a transportation plan for the Ouachita National Forest by the end of 2007 that (among other things) addresses the backlog of maintenance and reconstruction needs.
- Treat the highest priority areas [for fuel treatments in the wildland-urban interface] at a rate of 500 to 1,000 acres per year. Most of these areas (i.e., the adjacent NF lands) should be restored to condition class 1 by FY 2011.
- Complete 50,000 to 100,000 acres per year of hazardous fuel reduction in the other moderate to high priority areas.
- Sell an average of at least 200,000 hundred cubic feet (ccf) of timber per year.

Net Public Benefits

The FEIS discloses the present net values (PNV) of the alternatives. Alternative C yielded the highest present net value (PNV). Alternative E, the Selected Alternative, had a lower PNV than the other alternatives. However, present net value only includes market and non-market values that can be assigned a price. Net public benefits, on the other hand, are defined as the overall value to the Nation of all outputs (benefits) and positive effects, less all associated inputs (costs) and negative effects, whether they can be quantitatively valued or not. Public benefits have associated economic costs, and many benefits do not create an economic return. For example, timber sales, mineral production, grazing allotments and recreation activities create measurable economic benefits. Environmental quality, scenery, and the quality of recreation experiences cannot be measured in economic terms. These qualities add to the net benefit to the public.

Alternative E provides the highest net public benefits because it represents the best mix of management strategies and objectives for managing the Ouachita National Forest in a manner that sustains its many uses and values. Alternative E includes a set of objectives for sustaining healthy, diverse ecosystems, effectively managing the transportation

system, providing outstanding recreation opportunities, and sustaining social and economic relationships with local communities. Moreover, Alternative E is the alternative that is more in line with the capabilities of our workforce and within realistic expectations for budget levels for Forest Plan implementation. Overall, the Selected Alternative best responds to the issues expressed by the public and other agencies. It also provides the highest projected net revenue from timber sales during the first decade of Revised Plan implementation. Finally, the Selected Alternative proposes making modest but appropriate additions to existing wilderness areas while sustaining well distributed and abundant opportunities for semi-primitive and roaded-natural recreation experiences.

In summary, Alternative E represents the best balance among the diversity of interests and uses of the Forest and maximizes net public benefits. The Selected Alternative builds upon and improves an ecosystem-based, multiple-use management strategy that has guided the Forest since 1990. This alternative embodies a strong conservation ethic that other conservation agencies and organizations support vigorously. It also meets many of the desires of the public and local communities to actively use and enjoy the Ouachita National Forest and to maintain or improve local and regional quality of life, including economic opportunities.

Other Alternatives Considered

Five alternatives were analyzed in detail. Acreage allotted to management areas varies little among alternatives. Each action alternative allocates lands and waters to the same set of management areas and, in almost every case, allocates the same lands to the same management areas (wilderness recommendations and the establishment of the South Fourche Botanical Area account for any differences). This means that alternatives differ primarily in terms of wilderness recommendations and the intensity and types of management activities projected to take place.

Only relatively minor adjustments to management areas were made because the land allocations in the 1990 Amended Forest Plan were serving well, for the most part. Plan amendments during the 1990s had already added management areas to address two critical ecosystem management needs: pine old growth restoration and shortleaf pine-bluestem grass ecosystem renewal/Red-cockaded Woodpecker habitat management. These were two of the nearly 40 amendments since 1990 that kept the Forest Plan up-to-date. The action alternatives retained these newer management areas and many other management areas that focus on special areas (e.g., Research Natural Areas, Developed Recreation Areas, Semi-Primitive Areas, Riparian Communities, legislated special areas in Oklahoma). In terms of management areas, the most important difference between Alternative A (No Action) and the action alternatives is the consolidation of general forest lands (suitable and unsuitable for timber production) under a re-named Management Area 14 (Ouachita Mountains–Habitat Diversity Emphasis rather than Ouachita Mountains–Suitable for Timber Production). This consolidation better reflects and facilitates an ecosystem approach to management without diminishing the importance of timber management as one of the tools to achieve desired ecosystem conditions.

Alternative A (1990 Plan) would make no changes in management direction in the 1990 Amended Forest Plan, as further amended through 2005. Management Areas (MAs), projected resource management actions, and all other Plan components would remain unchanged. This alternative is the No Action Alternative and serves as a baseline to which the following alternatives are compared.

Alternative B would make no major adjustments to management direction in the 1990 Amended Forest Plan, as further amended through 2005. Changes are limited to those needed to comply with pertinent changes in law and policy; update projections for acres of prescribed fire, thinning, and regeneration harvests; adjust the Forest Plan to a new format; make cross-country use by motorized vehicle unsuitable; and remove obsolete or unnecessary management direction.

Alternative C would place the most emphasis on ecosystem health. Management activities would focus on restoring and maintaining native pine-grass, oak woodland, and other fire and disturbance-dependant ecosystems. Activities such as prescribed fire and thinning would be more intensive than the other alternatives. Three additions to existing wildernesses would be recommended: 620 acres to the Flatside Wilderness in Arkansas, 77 acres to the East Unit of Poteau Mountain Wilderness in Arkansas, and 1,096 acres to the Upper Kiamichi Wilderness in Oklahoma. Cross-country use by motorized vehicles would be unsuitable.

Alternative D would increase emphasis on recreation opportunities, scenery management, and wilderness designation, while focusing ecosystem health activities in support of wildlife based recreation. The acres recommended for wilderness designation, including the three additions described in Alternative C and three new areas—Brush Heap, Blue Mountain, and Irons Fork, all located in Arkansas—would be increased to approximately 30,100 acres. Alternative D would make cross-country use by OHVs unsuitable, as in alternatives B, C, and E, but would differ from those alternatives by allowing cross-country use of OHVs for retrieval of big game.

Alternatives Considered, but Eliminated from Detailed Analysis

Possible alternative themes were outlined in the Notice of Intent published in the Federal Register in May 2002. These themes illustrated the range of alternatives that might be considered. The themes were modified based upon public comments. The current analysis focused on the question, "What components of existing management direction (Alternative A) need to change?" In that context, several possible alternatives, including the "custodial management" or "minimum amount of human management/ maximum amount of natural forces" were outside the scope of the analysis because such alternatives would not have enabled the Forest Service to meet minimum management requirements for sustaining habitat for all native species and forest health. "Maximum timber production" was not considered an alternative to be analyzed in detail because it would have been inconsistent with the requirements for providing for multiple uses and would not meet the minimum management requirements for sustaining habitat for all native species.

The interdisciplinary planning team also considered an alternative presented by the Sierra Club for the revised plans of the Ouachita and Ozark-St. Francis National Forests. Some elements of the proposal were included in some alternatives; other elements

either were beyond the scope of plan revision or were too vague. Brief responses to each point in the nine-point Sierra Club proposal are included in the FEIS.

During the 90-day comment period, a timber company owner suggested that the Forest Service develop a new alternative that would "consider the positive environmental health on air, water, soil, wildlife, trails, roads, healthy industries, positive economics and recreation purposes without any constraints placed on budgets, manpower or supervisors direction." This alternative was not examined in detail because it contained too many parameters to incorporate into a reasonable alternative. Furthermore, alternatives unconstrained by budgets or personnel are inherently infeasible, particularly in an environment where budgets and personnel are steadily declining. However, the parameters noted by the commenter were taken into consideration in making the final selection of an alternative.

Public and Other Agency Involvement

The need to revise the Forest Plan arose primarily from the NFMA requirement that plans be revised every 10 to 15 years. The Notice of Intent (NOI) to prepare an EIS and revise the Forest Plan was published in the Federal Register on May 1, 2002, and potentially interested parties were notified through mailings, personal meetings, and media releases that the public scoping period for revision was underway. Written public comments were received and logged in at the Forest Supervisor's Office in Hot Springs, Arkansas, during the formal public scoping period of May 1 through August 2, 2002. A series of public meetings was conducted in June 2002 to provide information about the revision process and to solicit public comment.

Using the comments from the public, other agencies, and elected officials, issue statements were refined somewhat from those identified in the Notice of Intent. The issue of Ecosystem Health and Sustainability was unchanged, except that silvicultural practices were included under this category rather than keeping them a separate issue. The category of Roadless Areas, Recreation, and Motorized Access was separated into two categories, with the Roadless Areas issue moved to a new category called Land Use Designations. Recreation and Motorized Access issues were placed in a category called Public Access and Recreational Activities. The Relationship of National Forest Management to Local Communities and Economies was renamed Relationship of the National Forest to Communities. Under each of these broad categories, more specific issues were identified, as described in the FEIS.

In September and October 2003, two series of public meetings ("open house" format) were conducted in various locations across the Ouachita Mountains. The first series provided forums for discussion of off-highway vehicle use on the Forest, considered one of the most important issues for Forest Plan revision. The second series of meetings focused on key inventory data for Forest Plan revision, including scenic quality, species viability, roads analysis and roadless areas. In April 2004, three more public open houses were held to invite feedback and discussion concerning the draft alternatives for the proposed Revised Forest Plan.

The planning team worked closely with other federal and state agencies that have shared responsibility for threatened and endangered species, fish and wildlife, water quality, air quality, forest health, recreation opportunities, and other resources of the

Ouachita Mountains. One of the highlights of the process was a successful collaborative effort to complete a state-of-the-art species viability evaluation.

Plan Revision newsletters were periodically published and distributed to the Forest Plan mailing list (consisting of 2,500 individuals, groups, agencies, and organizations at its peak) during the planning process. The proposed Revised Forest Plan and accompanying DEIS were made available for review by the public, other agencies, tribal officials, and other elected officials on February 25, 2005; comments regarding the Forest Plan documents were accepted if they were postmarked (or email dated) by May 27, 2005. In addition to distributing hard copies of the draft documents to those who requested them, three public meetings were held to provide information on how to comment. The Forest Supervisor made copies available to all interested parties on the Ouachita National Forest website and on compact discs and widely advertised the availability of all forms of the plan documents to the public, other agencies, Indian tribes, and elected officials. Appendix A of the FEIS includes additional information regarding public involvement in this process. Appendix A also includes a summary of substantive comments received and Forest Service responses to those comments. Comment letters from other federal and state agencies and elected officials are reproduced in their entirety. Many substantive comments led to changes in the final Revised Forest Plan, which are described in the following section.

Changes from Draft to Final Revised Plan

Major changes from draft to final Revised Forest Plan are summarized as follows:

- The projection for average annual prescribed burning was reduced from 200,000 acres to 180,000 acres to respond to concerns about smoke and to present a more realistic objective.

- A recommended wilderness addition for a recently acquired 77-acre former private in-holding adjacent to Poteau Mountain Wilderness was included. With this addition, the selected alternative recommends three additions totaling 1,793 to existing wilderness areas.

- The acreage assigned to uneven-aged management was adjusted from 110,000 to 125,000.

- Clarifying language was added to Management Area 9 (Water and Riparian Communities) and an appendix showing source waters for public water supplies was added.

- Forest Plan direction concerning public use of Off-Highway Vehicles was clarified, specifying that cross-country OHV use would be unsuitable and that there would be an interim period of up to four years where current management direction would remain in place while additional analysis and public involvement takes place to designate a system of suitable roads and trails.

- Plan direction and expectations for future old growth conditions were clarified.

- A Monitoring Strategy section was added to Part 2 of the Plan, supplementing and clarifying the information about monitoring provided in the Revised Plan.

- A Landownership Adjustment Strategy section was added to Part 2 of the Revised Plan.

- A transportation objective was added: "Complete a transportation plan for the Ouachita National Forest by the end of 2007 that (among other things) addresses the backlog of maintenance and reconstruction needs."

- In response to concerns from trail organization partners, additional design criteria intending to maintain the integrity of recreation trails and reduce maintenance problems were included.

- "Fine-filter" standards were added to address concerns about Proposed, Endangered, Threatened and Sensitive species. Standards concerning management of Red-cockaded Woodpecker habitat were augmented to reflect the latest direction from the Recovery Plan for this species.

- The South Fourche Botanical Area, formerly South Fourche Scenic Area, was enlarged and its focus changed to conservation of rare plants and rare natural communities (along with the scenic and recreation values of the river itself) to respond to recommendations and inventory data from the Arkansas Natural Heritage Commission.

- The list of 24 animals listed as Management Indicator Species in the 1990 Amended Forest Plan (2002 Amendment) was retained in the final Revised Forest Plan. (The proposed Revised Plan had eliminated several stream fish species from the MIS list. However, to respond to agency concerns about inadequate representation of MIS for the streams of the Arkansas Valley, Ouachita Mountains, and Coastal Plain, those fish MIS for which data were already being collected were added back in to the final Revised Plan.)

- Management Area acres and other figures and the management area map were corrected.

In addition to these changes, the final Revised Forest Plan includes a Priority in Part 2 to "Use an integrated pest management approach to prevent or reduce damage to forest resources from pest organisms, including non-native, invasive species," in response to public concerns that the Revised Forest Plan did not contain adequate information to allow treatment for certain invasive pests such as red fire ants.

To respond to comments received from several public agencies about the effects of livestock grazing, statements were added to each Management Area description to clarify suitability of the Management Area for grazing, and Table 2.1 (Suitable Uses), was revised to direct the reader to Forest-wide or Management Area standards. Standards were added or revised in Management Area 9, Water and Riparian Areas, Management Area 16, Land Surrounding Lake Ouachita or Broken Bow Lake, Management Area 20, Wild and Scenic River Corridors, and Management Area 22, Shortleaf Pine/Bluestem Grass Restoration Area.

Environmentally Preferable Alternative

The Council on Environmental Quality has defined the "environmentally preferable" alternative as:

> *"the alternative that will promote the national environmental policy as expressed in NEPA's section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources."*

Alternative E is the environmentally preferable alternative. Alternative E projects the fewest acres of harvest activity of all alternatives except Alternative B; would have the second highest number of species of viability concern in "good" to "very good" condition; would increase the acres in Fire Regime Condition Class 1 or 2 (the most desirable classes) more than any alternative except C; and would result in the fewest acres in southern pine beetle risk category 1 and the second lowest number of acres of hardwood forest in high risk categories. Alternative E would also maintain or increase populations of most management indicator species and would establish the South Fourche Botanical Area to protect rare plants and rare plant communities within that area. Overall, Alternative E best protects the natural resources of the plan area and is therefore, the environmentally preferred alternative.

Findings Related to Other Laws and Authorities

I have considered the statutes governing management of the Ouachita National Forest, and I believe that this decision represents the best possible approach to both harmonizing and reconciling the current statutory duties of the Forest Service. Following are summaries of how the Revised Forest Plan addresses the Clean Air Act, Clean Water Act, National Historic Preservation Act, and Endangered Species Act.

Clean Air Act

As discussed in the FEIS, Chapter 3, Affected Environment and Environmental Consequences, all lands managed by the Ouachita National Forest are currently in attainment with National Ambient Air Quality Standards. According to the Clean Air Act of 1990 and the Organic Administration Act 1897, the Forest Service has the responsibility to protect the air, land, and water resources from the impacts of air pollutants produced within the Forest boundaries and to work with States to protect those same resources from degradation associated with the impacts of air pollution emitted outside of the Forest. Design Criteria are presented in Part 3 of the Revised Forest Plan to address management activities and compliance with air quality statutes.

Clean Water Act

The Revised Forest Plan contains direction to ensure all projects meet or exceed State Best Management Practices prepared under guidance of the Clean Water Act. Direction for the protection and conservation of soil and water resources and air quality is located in Parts 2 and 3 of the Revised Forest Plan. The FEIS includes a summary of the results

of a watershed health assessment completed at the 5th level hydrologic unit scale to show the current condition of watersheds on the Forest. Implementation of the Revised Forest Plan is expected to contribute to protecting or restoring the physical, chemical and biological integrity of waters of the United States in accordance with the Act.

National Historic Preservation Act

In accordance with a Memorandum of Understanding with the Advisory Council on Historic Preservation, Forest Plans are not undertakings under the National Historic Preservation Act. Consultation pursuant to Section 106 of the Act is not required at the Forest Plan level. As discussed in the Heritage Resources section of Chapter 3 of the FEIS, activities in the Revised Forest Plan will be in compliance with the Act. Heritage resource management is addressed in all three parts of the Revised Forest Plan.

Endangered Species Act

This decision is made with the benefit of extensive consultation with the US Fish and Wildlife Service (USFWS) on the Revised Forest Plan and EIS. The USFWS was a partner in completing the species viability assessment and helping develop habitat objectives. They were provided advance copies of the Revised Forest Plan, FEIS and the Biological Assessment (BA). Many of their recommendations were included in the Revised Forest Plan. The BA assessed effects to federally-designated Endangered and Threatened species that occur or could occur on the Ouachita National Forest. The USFWS Biological Opinion concurred in the determination of effects described in the Biological Assessment and FEIS and determined that National Forest management actions were "not likely to jeopardize the continued existence" of the American Burying Beetle, the only species for which the Forest Service made a determination of "Likely to Adversely Affect," provided USFWS protocols were followed. The Biological Opinion also concurred that the implementation of Alternative E for the Revised Forest Plan is "not likely to adversely affect" the other federally-listed endangered or threatened species or their habitats. Further consultation with USFWS will be part of site-specific evaluations for project-level decisions, where appropriate.

Other Environmental Documents Considered in Making the Decision

The following documents contain environmental analyses and assessments that are not repeated in this FEIS but which provide supporting documentation for some of the Revised Forest Plan decisions and underlying analyses.

- *Final Environmental Impact Statement for the Suppression of the Southern Pine Beetle* (USDA Forest Service, Southern Region 1987)
- *Final Environmental Impact Statement for Vegetation Management in the Ozark-Ouachita Mountains* (USDA Forest Service, Southern Region 1990) and its 2002 supplement.
- *Final Environmental Impact Statement for the Management of the Red-Cockaded Woodpecker and Its Habitat on National Forests in the Southern Region.* (USDA Forest Service, Southern Region 1996)
- *Ozark-Ouachita Highlands Assessment* (USDA Forest Service, Southern Region 1999)

- *Southern Resource Assessment* (USDA Forest Service, Southern Region 2002)
- *Final Environmental Impact Statement for an Amendment to the Land and Resource Management Plan—Management Direction for Acquired Lands in Southeastern Oklahoma (Ouachita National Forest)* (USDA Forest Service, Southern Region 2002)

Implementation

The direction in this Revised Forest Plan will become effective 30 days after the publication of the Notice of Availability (NOA) of the Final Environmental Impact Statement in the Federal Register (36 CFR 219.10(c)(1) in effect before November 9, 2000).

Forest Plans are permissive in that they allow but do not mandate certain activities. Following the applicable NEPA procedures, site-specific analyses of proposed project activities will determine what actually will be accomplished. The outputs specified in the Revised Plan are estimates and projections based on available information, inventory data, and assumptions.

Transition to the Revised Forest Plan

Revised Forest Plan direction will apply to all projects for which decisions are made on or after the implementation date of this Record of Decision.

The National Forest Management Act (NFMA) requires that "permits, contracts, and other instruments for the use and occupancy" of National Forest System lands be "consistent" with the current Land and Resource Management Plan [16 U.S.C. 1604(i)]. In the context of a Revised Forest Plan, NFMA specifically qualifies this requirement in three ways: 1) these documents must be revised only "when necessary", 2) these documents must be revised "as soon as practicable", and 3) any revisions are "subject to valid existing rights."

There are many management actions that have decisions made before the effective date of this decision to revise the plan. These pre-existing actions were considered part of the baseline in developing the Revised Forest Plan. The projected effects of these actions are part of the cumulative effects analyses documented in the FEIS and Biological Assessment for the Revised Plan. That analysis shows that the continued implementation of these previously decided actions would not foreclose the ability to meet the desired conditions, goals, and objectives of this Revised Forest Plan. With this information and exercising my discretion under NFMA, I have determined that it is not necessary to apply the Revised Plan's direction retroactively.

Specifically, I have decided not to modify any agency actions involving timber sale contracts. These actions will be implemented according to the terms of the timber sale contract and their effects were disclosed in the FEIS to the Revised Forest Plan. Existing timber sale contracts will, in most cases, be completed within three years. However, should the need arise, the Forest Supervisor has the discretion to modify timber sale contracts to bring them into compliance with the Revised Forest Plan.

Likewise, I have decided not to modify any agency actions involving permits, non-timber sale contracts, or other instruments for the use and occupancy of National Forest System lands. These actions will be implemented according to the terms of the applicable instrument and their effects were disclosed in the FEIS to the Revised Forest Plan. However, should the need arise, the Forest Supervisor has the discretion to modify these permits, non-timber sale contracts, or other instruments for the use and occupancy of National Forest System lands to bring them into compliance with the Revised Forest Plan.

After approval of the Revised Plan, the Forest Supervisor shall ensure that future permits, contracts, and other instruments for the use and occupancy of the affected National Forest System lands will be consistent with the Revised Plan.

Projects Approved or Initiated under the 1990 Amended Forest Plan

Timber Sales

- Existing agency actions involving timber sale contracts *need not* be modified: they will be implemented according to the terms of the timber sale contract. Should the need arise, the Forest Supervisor has the discretion to modify timber sale contracts to bring them into compliance with the Revised Forest Plan.
- New timber sale contracts (offered after the effective date) based on decisions signed prior to the effective date may be offered and implemented as called for in the NEPA documentation.
- New timber sale contracts based on decisions signed after the effective date *will be consistent* with direction in the Revised Forest Plan. Consistency is documented when the Responsible Official signs the Gate 3 documentation for the sale.

Permits, Non-Timber Sale Contracts, Occupancy and Use

- Agency actions involving existing permits, non-timber sale contracts, or other instruments for the use and occupancy of National Forest System lands *need not* be modified: these actions will be implemented according to the terms of the applicable instrument. Should the need arise, the Forest Supervisor has the discretion to modify these permits, contracts, or other instruments to bring them into compliance with the Revised Forest Plan.
- Future permits, contracts, and other instruments for the use and occupancy of National Forest System lands based on decisions signed prior to the effective date may be offered and implemented as called for in the NEPA documentation.
- Future permits, contracts, and other instruments for the use and occupancy of National Forest System lands *will be consistent* with the Revised Forest Plan if the decision was signed on or after the effective date.

Agency Implemented Resource Actions

- All other agency resource management actions based on decisions signed prior to the effective date may be implemented as called for in the NEPA documentation.
- Actions based on decisions signed after the effective date must be consistent with the Revised Forest Plan direction and consistency documented in the decision.

Monitoring

Specific monitoring and evaluation measures accompany many plan components in Parts 1 and 2 of the Revised Forest Plan. Monitoring of desired conditions, including actions, outcomes, or resources to be measured and the frequency of measurement and reporting, are included in Part 1 of the Plan. Performance indicators to be monitored against Forest Plan objectives, including the frequency of measurement and reporting, are presented in Part 2, along with an overall monitoring strategy for Forest Plan implementation.

Monitoring information will be evaluated and used to update inventory data, improve current and future mitigation measures, and assess the need to change the Forest Plan. Evaluation of monitoring results is directly linked to the decision maker's ability to respond to changing conditions, emerging trends, public concerns, and new information and technology. No single monitoring item or parameter automatically triggers a change in Forest Plan direction. An interdisciplinary approach is used to evaluate information and decide what changes are needed.

Amending the Revised Forest Plan

The need to amend the plan may result from (not an all-inclusive list):

- Recommendations of an interdisciplinary team based on monitoring and evaluation results
- Determinations by the Forest Supervisor that existing or proposed projects, permits, contracts, cooperating agreement or other instruments authorizing occupancy and use are appropriate, but not consistent with elements of the Plans management direction
- Administrative appeal decisions
- Planning errors found during forest plan implementation
- Changes in physical, biological, social or economic conditions

Forest Plans are normally revised on a 10 to 15-year cycle. Through the life of a Forest Plan, amendments may be needed to incorporate new information, new policy and direction, or changing values and resource conditions. Amendments help keep the Forest Plan current, relevant, and responsive to agency and public concerns. Amendments may be needed when any of the Forest Plan decisions should be changed due to any or the above conditions. The Forest Plan also can be amended for specific projects if during project design it is determined that the best method of meeting goals and objectives conflicts with existing plan direction.

Under the 1982 planning regulations, amendments may be significant or non-significant. The Forest Supervisor may implement non-significant amendments to the Forest Plan after appropriate public involvement and environmental analysis. Once the Ouachita National Forest has fully transitioned to the 2005 Planning Rule, the Forest Supervisor will be the Responsible Official for amendments and future revisions.

Appeal Opportunity

This decision is subject to administrative review pursuant to 36 CFR 217. A written appeal of this decision must be filed in duplicate within 90 days of the date of the published legal notice.

Note that regular mail is still being irradiated before it is delivered to the Washington Office. Therefore, regular mail may take longer to arrive than if using an express service.

To file an appeal through regular mail:

USDA Forest Service
Attn: EMC Appeals
Mail Stop 1104
1400 Independence Ave., SW
Washington, DC 20250-1104

To file an appeal using FedEx, UPS, Courier:

USDA Forest Service
Attn: EMC Appeals
Yates Bldg., 3CEN
201 14th Street, SW
Washington, DC 20024

Any notice of appeal must be fully consistent with 36 CRF 217.9 and include at a minimum:

- A statement that the document is a Notice of Appeal filed pursuant to 36 CFR 217
- The name, address, and telephone number of the appellant
- Identification of the decision to which the appeal is being made
- Identification of the document in which the decision is contained, by title and subject, date of the decision, and name and title of the Deciding Officer
- Identification of the specific portion of the decision to which appeal is made
- The reasons for appeal, including issues of fact, law, regulation, or policy and, if applicable, specifically how the decision violates law, regulation, or policy
- Identification of the specific change(s) in the decision that the appellant seeks.
- Requests to stay implementation of the Forest Plan will not be granted [36 CFR 217.10(a)]

Recommendations for special designations such as additions to the National Wilderness or National Wild and Scenic River System are preliminary administrative recommendations that will receive further review and possible modification by the Chief of the Forest Service, the Secretary of Agriculture, and/or the President of the United States. The Congress has reserved the authority to make final decisions on wilderness and wild and scenic river designations on federal lands; therefore, wilderness and wild and scenic river recommendations in the Revised Forest Plan are not appealable under the agency's administrative appeal procedures. [36 CFR 217.4(c)]

Final decisions on proposed projects will be made on a site-specific basis using appropriate analysis and documentation in compliance with NEPA. Project decisions may be subject to appeal at that time.

For questions concerning the appeal process, contact:

USDA Forest Service
Attn: Ecosystem Management Coordination (Steve Segovia)
Yates Bldg., 3CEN
201 14th Street, SW
Washington, DC 20250
202-205-1066

For questions concerning the Ouachita National Forest Plan, contact:

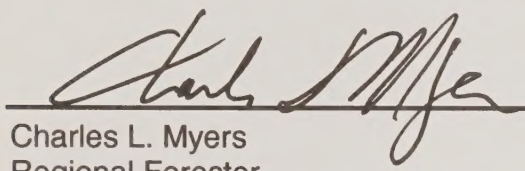
Alan Newman
Ouachita National Forest Supervisor
P. O. Box 1270
Hot Springs, AR 71902
501-321-5202

Reviewers are encouraged to contact the Forest Supervisor before submitting appeals to determine if misunderstandings or concerns can be clarified or resolved.

Approval

I am pleased to announce my decision to select Alternative E for the Revised Land and Resource Plan (Forest Plan) of the Ouachita National Forest. This Revised Forest Plan has been built on a strong foundation of citizen participation, the best available science, and engagement with other conservation agencies and organizations.

As we move forward, we will carefully monitor management activities, the condition of the lands and waters under our care, the goods and services provided, and the effectiveness of the environmental protection measures in the Revised Forest Plan. I anticipate that implementation of the Revised Forest Plan will be conducted in the same spirit of cooperation that has characterized this revision. Working together, we can meet the challenges, realize the opportunities, and achieve the goals and objectives of the Revised Forest Plan for the Ouachita National Forest.



Charles L. Myers
Regional Forester
Southern Region
USDA Forest Service

Date: September 23, 2005

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